



2023 Legislative Summary (Part I)

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Acronyms

- ABS = absentee
- CEB = county election board
- FPCA = Federal Post Card Application
- M/O = military & overseas voters
- Party Office = state convention delegate (delegate) or precinct committeeperson (PC)
- SAMC = statewide address mailing confirmation notice
- SEI = statement of economic interests
- SVRS = statewide voter registration system
- VPD = voters with print disabilities

elected office vacancies

- Filling a Local Office Vacancy Before Incumbent's New Term of Office Begins
 - If incumbent local officeholder is elected to a new term of office AND dies or disqualified from serving a new term, then the vacancy is filled under IC 3-13 (vacancy statutes)
 - Position can be filled after notice of death or disqualification is given to the person or body authorized to fill elected office vacancy
- Town Clerk-Treasurer Duties When Office is Vacant
 - Town may hire any qualified person to perform the duties until the vacancy is filled IF all of the following are satisfied:
 - Office of town-clerk treasurer is vacant & town council is unable to fill vacancy; and
 - If, after reasonable diligence, the town is unable to enter into an interlocal agreement under IC 36-1-7 OR enter into a contract with a certified public accountant
 - Person continues duties until elected office vacancy can be filled under IC 3-13-9-3 OR the current clerk-treasurer's term ends, whichever occurs first

statement of economic interests

- City & Town Court Judge Candidates
 - No longer use the CAN-12 form
 - Required to use the statement of economic interests created by the Commission on Judicial Qualifications
 - Online application
 - Once approved, can download file-stamped copy
 - File-stamped copy attached to declaration
 - Question? Contact the Commission on Judicial Qualifications
- Elected Officials Must File SEI To Receive Salary
 - Applies to a candidate that was:
 - elected to serve a term in office; or
 - selected to fill an elected office vacancy for the remainder of the term

candidates

- Party Affiliation for D/R “Small” Town Candidates
 - D/R candidates running for “small” town office where “small” town does NOT hold a primary election will need to comply with existing party affiliation law when filing CAN-16 declaration
 - Last two primaries in Indiana in which the candidate voted must be the same as the party the candidate is seeking nomination OR
 - Obtain certification of county chair
 - **NOT EFFECTIVE FOR NOV. 2023 ELECTION**
 - Current law:
 - D/R candidates filing CAN-16 need to voting history where the last primary in Indiana in which the candidate voted is the same as the party the candidate is seeking nomination OR obtain party chair certification

candidates

- Candidate Name Designations
 - Requires ALL candidate forms that officially places candidates on ballot to allow candidate to specify ballot name designations
 - Ballot names are made up of 5 Parts
 - First Designation can be ONE of the following:
 - Legal given name; initials of given name; legal middle name; initial of legal middle name; OR nickname
 - Second Designation can be ONE of the following:
 - Legal middle name; initial of legal middle name; nickname; legal surname
 - Third Designation can be ONE of the following:
 - If not used in first or second designation, can be ONE of the following:
 - Nickname; or legal surname

candidates

- Candidate Name Designations
 - Ballot names are made up of 5 Parts
 - Fourth Designation can be ONE of the following
 - If not used in the third designation, can be ONE of the following:
 - Nickname; or legal surname
 - Fifth Designation can ONLY be a Suffix
 - Reminders:
 - Nicknames must be a name the candidate is commonly known by & does not exceed 20 characters
 - Must be printed on the ballot with (parentheses) NOT “quotes”
 - No part of name designation can use a title or degree
 - Examples: Dr, Doc, JD, MD, PhD

Candidate Name Designation



DECLARATION OF CANDIDACY FOR PRIMARY NOMINATION IN 2024
State Form 46439 (R21 / 6-23)
Indiana Election Division (IC 3-8-2-7, IC 3-5-7-5)

(CAN-2)

DRAFT

INSTRUCTIONS: This form is used by an individual who is seeking the Democratic or Republican party nomination to an elected office in a primary election. A declaration of candidacy must be filed not earlier than January 10, 2024 and not later than NOON, February 9, 2024. Please print or type all information on this form except all signatures. **SEE IMPORTANT INFORMATION ON BACK OF FORM.** Candidates seeking the office of U.S. Senator in a primary election also file CAN-4 forms. Candidates seeking the office of Governor in a primary election also file CAN-25 forms. Except for candidates seeking federal office, all candidates seeking a primary nomination must attached the required statement of economic [interests](#) forms. See the 2024 Candidate Guide for more information regarding the statement of economic interests applicable to your office.

DRAFT

GENERAL INFORMATION

I, , the undersigned, certify the following:

(1) I am a registered voter in the State of Indiana.

(or of Ward, if
State of Indiana)

(2) I request that my name appear on the primary election ballot in the following manner as described in IC 3-5-7:

Name of Office

(3) I am claiming party I voted for requirement I am a member of the

- ☐ The two party affiliation
☐ The county that I am

(4) (This paragraph Indiana to be election district in this office.

(5) My complete residence

Complete residence

(6) My mailing address

Write address if mailing address is different from residence address; write "SAME" if both addresses are identical

Mailing address

City

IN (amend if other state)

ZIP Code

CANDIDATE NAME INFORMATION

I request that my name appear on the primary election ballot in the following manner as described in IC 3-5-7:

First Designation	Second Designation	Third Designation	Fourth Designation	Suffix
This can be: <ul style="list-style-type: none">The candidate's legal given name.The initial of the candidate's legal given name.The candidate's legal middle name.The initial of the candidate's legal middle name.The candidate's nickname.	This can be: <ul style="list-style-type: none">The candidate's legal middle name.The initial of the candidate's legal middle name.The candidate's nickname.The candidate's legal surname.	If not used in the first or second designation, this can be: <ul style="list-style-type: none">The candidate's nickname.The candidate's legal surname.	If not used in the third designation, this can be: <ul style="list-style-type: none">The candidate's nickname.The candidate's legal surname.	Examples: <ul style="list-style-type: none">Jr. or III CANNOT be a title or degree such as MD, JD

I also request that my name on my voter registration record be the same as the name on this declaration of candidacy. (IC 3-8-2-7(c))

DRAFT

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I also request that my name on my voter registration record be the same as the name on this declaration of candidacy. (IC 3-8-2-7(c))

If a candidate's name does not comply with IC 3-5-7, the declaration may be challenged under Indiana Code 3-8-1-2. A candidate may use a nickname on the ballot only if the nickname is a name by which the candidate is commonly known and does not exceed 20 characters. A candidate may not use a title or degree as a designation or a designation that implies a title or degree. Nicknames are required to be printed on the ballot using parentheses. EXAMPLE: John R. (Jack) Doe

PLEASE COMPLETE REVERSE OF FORM

candidates

- Straight Party Device & Independent Candidates
 - Repealed reference to Independent candidates in the straight party device statutes
 - Straight party device is used in November election for “short-cut” to vote for candidates of one party running in single member districts
 - Independent candidates are NOT members of a political party; therefore, straight party device would not apply to them

candidates & oaths

- Filing Period Changes for School Board Candidates
 - Moves filing period up to 14-days after the primary election through noon, 30-days after the filing period ends
 - Deadline to withdraw for any reason moves to noon, July 15
 - Challenge deadline ends 74-days before November election
 - Decision on validity of challenge must be made 60-days before the November election
 - Does NOT impact filing period for write-in school board candidates
- Oath for County Court Magistrate
 - Oath of office is to be filed with the county clerk where the magistrate judge resides or serves

ballots

- No Candidate on May Primary Ballot
 - May print “NO CANDIDATE FILED” if a D/R candidate did not file for an office on the D/R primary ballot
- No D/R Candidate on November or Special Election Ballot
 - May print “NO CANDIDATE FILED” if no D/R candidate filed for an office on the general, municipal, or special election ballot
 - Does not apply to Libertarian, Independent, or other minor party candidates, if no one files

ballots

- Reprinted ballots
 - “Former candidate” replaces “deceased candidate” in ballot reprinting laws
 - Refers to an individual who was a candidate for an election and satisfies any of the following:
 - Individual has passed away
 - Individual has withdrawn
 - Individual has been disqualified under challenge procedures (IC 3-8-1-5)
 - Individual was ordered off the ballot by a judge (IC 3-8-7-29(d))
 - Substance of the statutes do not change

ballots

- Grouped Candidates
 - Requires candidates for the same office to be arranged on the same page or screen of the ballot
 - Example
 - County council at-large office permits a voter to vote for not more than three (3) candidates and eight (8) candidates are on the ballot.
 - For optical scan ballot cards, the county council heading, instructions, and candidates would need to appear in the same column on the same page of the ballot.
 - For the screen used on a direct record electronic voting system or ballot marking device used with optical scan voting systems, the office heading, instructions, and candidates will need to appear on the same screen to present all candidate options for the voter.

referendum

- Updated referendum text
 - Form of the question has changed for:
 - School Tax Levy
 - School Tax Levy Extension
 - School Safety Tax Levy
 - School Safety Tax Extension
 - Changes effective for Nov. 2023 Election!
- Moved referendum filing deadline
 - Applies to school tax & school safety tax levy public questions being held as a special election in May (such as in 2025)
 - Moves deadline to noon, 74-days before May election
 - Previously, was noon, 60-days before May election
 - Aligns referendum types to the same deadline for May election
 - For November election, deadline to certify questions to CEB remains noon, Aug. 1

ePBs

- “Decommissioned” ePBs
 - Updated disposal statute to permit the deletion of any ePB software & repurpose for the express purposes to display sample ballots
 - Counties must still file IEC-6 (voting system and ePB disposal form) with IED AND get approval for disposal method before moving forward with plan

local officials & powers

public meetings

- “Home Rule” Authority
 - Clarified existing “home rule” language that already did not permit the CEB or local unit of government to adopt procedures not found in Indiana’s election laws (Title 3)
 - Notes that any ordinance, resolution, or order concerning elections and adopted before January 1, 2023, is void unless expressly granted to the local unit by statute
 - Effective retroactively to January 1, 2023
- Live Stream or Recording Public Meetings
 - Local units of government are required to live stream or record meetings
 - Applies to CEB ONLY if CEB holds meetings in those spaces equipped to stream or record by local board required to live stream meetings (like county commissioner courtroom)
 - Not effective until July 1, 2025

poll workers

- Poll Workers Running for Party Office
 - D/R candidates opposed for delegate or PC and their relatives MAY be a poll worker if CEB adopts a unanimous resolution
 - Assumes person meets other qualifications to serve as poll worker
 - Resolution expires on December 31 in the year it was adopted

redistricting

- Elkhart, St. Joseph & Tippecanoe County Council & Commissioner Districts
 - May adopt resolution by Sept. 1, 2023, to establish 3 single member board of commissioner districts & 9 single member districts on the county council
 - If no resolution adopted, then standard county commissioner and county council set up and redistricting laws apply
 - Three-member county commissioner board elected by all voters of the county
 - Seven-member county council (4 single member districts and 3 at-large seats)

voter list maintenance

- Out-of-State Information
 - Clarified existing VLM procedures to require Indiana VR officials to receive VR document from voter's new state to confirm written authorized cancellation at their previous address
 - If it does, then county VR official can consider this cancellation at the written request of voter
 - If it does not, then county continues to follow existing procedures:
 - Send SAMC mailer to voter to follow active -> inactive -> cancelled workflow permitted by state and federal law
 - Send VRG-14 to voter, who can then mail back the form, which authorizes cancellation at their Indiana address
 - NOTE: County is NOT required to reach out for VR form, but cannot use the out-of-state notice as sole reason to cancel registration
 - Would instead follow SAMC/VRG-14 steps above

voter list maintenance

- **BMV Declination Transmittal**
 - Requires BMV declinations to be transmitted through SVRS
 - IF voter is registered to vote at a different address than what is on the declination, counties can use information to send a SAMC to the voter to confirm, update, or cancel registration
 - No response after at least 30-days? May be moved to inactive status, if not currently in freeze period
- **VRG-6 transmitted by Law Enforcement Agencies**
 - Makes conforming change to state law so law enforcement agencies must send VRG-6 or declinations to county VR official within 5-days
 - Note: Law enforcement agencies are required to offer registration if person applies for a handgun license

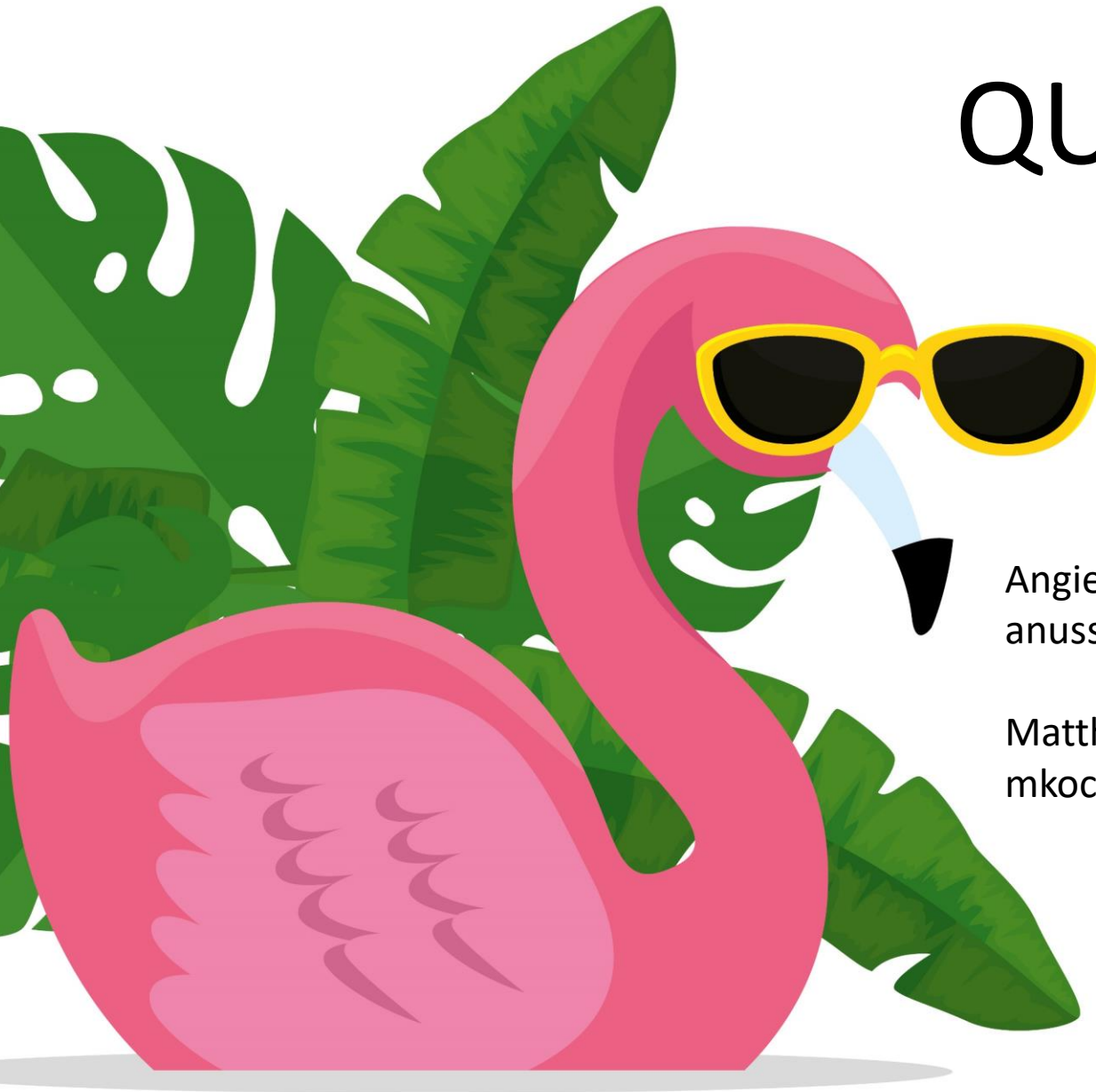
absentee voting

- M/O & VPD SVRS Designation
 - Designation expires in SVRS on January 1 in the year after the FPCA/VPD application was filed
 - Example:
 - Military voter files FPCA in June 2023
 - County uses M/O flag on voter's record
 - Ongoing app for 2023 expires on Dec. 31, 2023
 - M/O flag is removed on January 1, 2024
 - Reinstated IF the voter submits a new ongoing application
- ABS App Misdelivered
 - Misdelivered app is considered received as of the date/time delivered to the first county
 - Example:
 - County A receives ABS-Mail app for voter in county B
 - County A is required to forward app to County B
 - County B notes received date based on County A's received date

absentee voting

- ABS Couriers
 - Repealed a superfluous statute regarding payment
 - Couriers, if used, are paid under IC 3-11.5-7-2
- Clerk Seal & Signature
 - If on the ballot for ANY elected office, clerk:
 - Must use generic seal on ballots
 - Prescribed by IED & found on SVRS County Portal
 - CANNOT print/place signature on the ballot
 - If on the ballot for party office, then OK to use office seal and signature
 - Party offices are state convention delegate and precinct committeeperson
 - D's will have delegates on May 2024 ballot
 - R's will have PCs & delegates on May 2024 ballot

QUESTIONS?



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